

APPENDIX B

Accommodating Radicals in a System of Trust

My conception of public justification allows private, diverse reasons to figure into the public justification of powerful state authorities. This means, unlike most public reason liberals, my view must justify authority while accommodating the reasons of diverse minority groups, including diverse *political minorities*, like political radicals. Consider libertarian anarchists.¹ One might worry that these groups have defeaters for state power of any kind, in which case my account of public justification would yield anarchy, a disaster from the perspective of liberal theorizing. Let's unpack this objection a bit before I answer it.

Radicals are distinguished from other members of the public in two ways: (i) by the distance between their ideal and the status quo and (ii) how strongly they prefer their ideal to the status quo, perhaps to the point of having defeater reasons for the status quo. For the libertarian anarchist, anarchy is the political ideal, which is quite far from the status quo. And since libertarian anarchists think all states are unjust and that all taxation required to support states is theft,² they may have defeater reasons sufficient to undermine the authority of all state activity.

I have already argued that libertarian-strength property rights are defeated for the vast majority of members of the public. That means libertarian anarchists cannot insist on enforcing property rights to the point of abolishing the state unless they want to undermine our system of trust and respect for persons within that system.³ And yet, their defeater reasons remain despite lacking this ability. Is there any way to accommodate them?

I propose to *exempt* libertarian anarchists from large parts of the policy regimes for which they have defeater reasons. Just as the Amish receive a range of religious exemptions from participating in government schooling and retirement planning, so libertarian anarchists might receive a range of exemptions from government programs and policies that they have sufficient reason to reject. Thus, perhaps libertarian anarchists should receive an exemption from paying taxes so long as they forgo the public services those taxes finance.

Many will object that these exemptions are so broad that they are infeasible; how can libertarian anarchists simply be allowed to walk around and ignore pretty much all laws and state directives?⁴ One way around this is to allow libertarians the equivalent of a Native American reservation to live out their ideals in a kind of free zone. Now, of course, the idea of a reservation should match not how actual reservations function, since they

¹ For one popular defense of this position, see Rothbard 1973.

² *Ibid.*, p. 29.

³ And so, in this sense, my public reason liberalism does not risk anarchy. See Schultz-Bergin 2020 for a refutation of the anarchy objection to convergence approaches to public reason like mine.

⁴ Some might also object that such an exemption would tempt a lot of people to pretend that they are libertarian anarchists, including the rich, but that's more a practical problem of assessing sincerity that can probably be overcome. Being an anarchist is not exactly popular.

are frequently tools of oppression, but rather how reservations work in reasonably ideal circumstances. In these ideal circumstances, reservations ground the exercise of sovereignty apart from the US federal government. Thus, perhaps libertarian anarchists can be accommodated by allowing them to live in a kind of libertarian free zone. While libertarian anarchists are unlikely to think they're under any *obligation* to leave the state intact for others while they pursue the establishment of a just nonstate, I think they should still recognize that many reasonable, informed people disagree with them strongly, and so if they want to sustain trust and respect with those persons, libertarian anarchists cannot always insist on their own way. On the other hand, the rest of us are under an obligation to allow libertarian anarchists to, in effect, secede. Few will recognize that obligation, but if we want to sustain trust and respect with libertarian anarchists, then we must help them live free, as they understand freedom.

I say that few will recognize the obligation, but what if many members of the public cannot see the obligation even at moderate levels of idealization?⁵ Presumably the fact that moderately idealized agents can disagree about all kinds of policies suggests that some of them will not look fondly upon secession, however localized the secession may be. Perhaps they fear that libertarian free zones will become dangerous tax havens and will end up being run by crime syndicates. I respond in two ways. First, many members of the public aware of the exemptions and exceptions allowed form religious groups and indigenous peoples think they are morally appropriate and will see the analogy between ideology and other forms of religious and moral commitment I've defended in the book. Second, anti-secession members of the public should recognize that their objections to secession will be insufficient to establish that libertarians have an obligation not to secede. Thus, out of respect for libertarians embedded in a common system of trust, they should not force them to remain part of a polity they think is deeply morally corrupt and unjust.

Other radicals, like radical socialists and radical Christian theocrats, can be accommodated with similar opportunities. We may need a series of charter cities or reservations that nontrivial numbers of radicals can move to spread throughout different countries.

⁵ I am grateful to Mark Laufgraben for raising this concern.